

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

TRACY WOODARD  
Plaintiff,

v.

CORIZON, INC., et al.  
Defendants.

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No. 3:14-1725  
SENIOR JUDGE HAYNES

**ORDER**

By Order (Docket Entry No. 4) entered September 2, 2014, this action was dismissed with prejudice for failure to state a claim.


Since the entry of that order, the Plaintiff has filed a Rule 60(b) motion for relief from judgment (Docket Entry No. 8), but does not allege that this action was dismissed in error. Plaintiff contends that his ignorance of the law led to the dismissal and seeks an opportunity to amend his complaint to state a colorable claim.

A district court can allow a Plaintiff to amend his complaint to avoid a *sua sponte* dismissal. LaFountain v. Harry, 716 F.3d 944, 951 (6<sup>th</sup> Cir. 2013). Accordingly, to the extent that the Plaintiff's Rule 60(b) motion seeks an opportunity for the Plaintiff to amend his complaint, said Motion is hereby **GRANTED**.

Plaintiff shall have thirty (30) days from the date of entry of this Order to file an amended complaint. Plaintiff is forewarned, though, that should the amendment of his complaint prove to be futile, the action may be dismissed.

It is so **ORDERED**.

ENTERED this the 24<sup>th</sup> day of February, 2015.

  
WILLIAM J. HAYNES, JR.  
Senior Judge  
United States District Court